

Amendment under 37 CFR § 1.111
Application No. 10/541,939
Attorney Docket No. 052740

REMARKS

Specification

The abstract was objected to due to the number of words exceeding 150.

Accordingly, the abstract has been amended to overcome the objection.

Claim Objection

Claim 2 was objected to because of the informalities.

Claim 2 has been cancelled and the objection has become moot.

Rejections under 35 USC §112, Second Paragraph

Claims 8-11 were rejected under 35 USC §112, second paragraph, as being indefinite because claim 8 recited thickness by gram per square meter of adhesive material.

Accordingly, claim 8 has been amended to overcome the rejection.

Rejections under 35 USC §102(b)

Claims 1 and 2 were rejected under 35 USC §102(b) as being anticipated by Battey (U.S. Patent No. 2,001,862). Claim 4 was rejected under 35 USC §102(b) as being

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anticipated by Lundy, Jr. et al. (U.S. Patent No. 6,098,616). Claim 6 was rejected under 35 USC §102(b) as being anticipated by Oschner (U.S. Patent No. 4,674,133).

Claims 1 to 7 have been cancelled, thus, the rejections of these claims have become moot.

Claims 8-10 were rejected under 35 USC §102(b) as being anticipated by Hofmann (U.S. Patent No. 3,949,741).

First of all, it should be noted that the stretch tape for beautification and facelifting is used for stretching the surface of the skin. It is not directly applied on the wrinkles but applied to stretch the wrinkled skin. Being stretched, the skin and the muscle under the skin are stimulated to recover the elasticity thereby reducing the wrinkles.

Claim 8 has been amended to recite “a stretchable base material” and “wherein said stretch tape has a U shape or V shape in a plane sheet with a stride angle between feet of the U shape or the V shape is between 0 and 120 degrees.”

Batthey discloses a facial tissue support. Batthey describes as follows:

As best seen in Fig. 1, the material of the adhesive plaque according to the present invention, is characterized by a base B having substantial degree of rigidity. I prefer to use stiff, fibrous substance for the base although wide variety of materials may be satisfactorily employed. For example, various grades of card board, fibre or wood, are suitable, . . .

(Column 1, line 53 to column 2, line 13).

Thus, according to Batthey, the base material is not stretchable. In contrast, according to the present invention, a stretchable base material is used. Also, the stretch tape has a U shape or

V shape. Thus, Battey does not teach or suggest “a stretchable base material” and “wherein said stretch tape has a U shape or V shape.”

Moreover, the tissue support for treating facial lines disclosed by Battey is neither stretchable nor for stretching the surface of the skin. According Battey, the member is formed of a moisture-absorbing material and moisture-resisting coats on the outer surface of said member. Indented tissues are physically held in the desired smooth contour for the duration of the treatment (p.2, right column, line 13-17). The base material is not stretchable, and it is not used to stretch the corners of the eyes.

Lundy, Jr. et al discloses a non-linear nasal dilator which includes an elongated curved spring member. The present claims recite “wherein said stretch tape has a U shape or V shape in a plane with a stride angle between feet of the U shape or the V shape is between 0 and 120 degrees.” The nasal dilator does not have the U shape or the V shape as specifically defined in the present claims.

Hoffman describes as follows:

The film must also have the ability to be adhered by the adhesive, and therefore, must have surface properties consistent with that requirement. The film must also have the physical properties to provide the required flattening and smoothening of the skin for substantial periods of time **without significant "creep" or elongation** which would deplete those desired effects. Similarly, the film must have sufficient tensile strength to fully strip from the skin. The film must also transmit moisture. For a cosmetic appearance sake, it is preferable for the film to be transparent, or nearly so, and/or to have a surface appearance approaching that of the skin.

(Column 4, lines 27-39). Hoffman further describes as follows:

The foregoing is diagrammatically illustrated in FIG. 1 where the appliance, generally, 1, is composed of a plastic film 2 and an adhesive 3 coated thereon. The area of the skin to which the appliance is applied is indicated by 4. It will be seen, as shown in FIG. 1, that while the appliance is in place the skin is in a generally planar configuration, as indicated by the center-line 5. However, prior to application of the appliance the skin had wrinkles therein, at cleavage and crease lines, indicated by the configuration of dotted portions 6. **When the appliance is pressed tightly onto that area, the adhesive locks into the wrinkle, as well as other portions of the skin. When pressure is released, after the appliance is tightly adhered to the skin, the adhesive draws the wrinkle upwardly toward the appliance, by virtue of the tight adhesion, and tends to flatten the wrinkle into a more planar or smooth configuration.**

(Column 6, lines 28-44). Thus, in Hoffman, the base material is not stretchable. Also, Hoffman does not indicate the “a U shape or V shape in a plane sheet with a stride angle between feet of the U shape or the V shape is between 0 and 120 degrees.”

Oschner discloses an ultraviolet nose protector. Oschner discusses cosmetical looking and sun blocking but it does not discuss the stretchability of the base material. Also, Oschner does not indicate the “a U shape or V shape in a plane sheet with a stride angle between feet of the U shape or the V shape is between 0 and 120 degrees.”

Thus, Battey, Lundy Jr., Oshner, and Hofmann, taken separately or in combination do not teach or suggest “a stretchable base material and an adhesive material applied on said base material at 35grams per square meters or more, wherein said stretch tape has a U shape or V shape in a plane sheet with a stride angle between feet of the U shape or the V shape is between 0 and 120 degrees” as recited in amended claim 8.

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For at least these reasons, claim 8 patentably distinguishes over Battey, Lundy Jr., Oshner, and Hofmann. Claims 9 and 10, depending from claim 8, also patentably distinguish over Battey, Lundy Jr., Oshner, and Hofmann for at least the same reasons.

Claim 11 was rejected under 35 USC §102(b) as being anticipated by Gueret (U.S. Patent Application Publication No. 2002/0051796).

Claim 11 has been amended to recite “sticking tape on a face portion while pulling, stretching and fixing the wrinkles of the skin; and removing the tape and washing away the moisturizing and astringing pack on the next day.”

Gueret discloses a solution of a polymer of the polyacrylic and/or polyvinyl type associated with a filler and a keratolytic agent and a cosmetic device for cleaning and care of the skin.

[0035] The present invention further relates to the use of the solution as described above for the preparation of a self-adhesive cosmetic device for cleansing and care of the skin.

[0039] In both these embodiments, the patch is left on the skin for a very short time of between about 15 seconds and 20 minutes and preferably of between 15 seconds and 10 minutes. The patch is then removed, enabling the skin to be cleansed mechanically and chemically, in one synergistic action, by virtue of the particular adhesiveness of the polymers and the presence of at least one keratolytic agent.

According to Gueret, the patch is not applied while pulling, stretching and fixing the wrinkles of the skin. Also, the patch is left on the skin for a very short time of between about 15

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seconds and 20 minutes. In contrast, according to the amended claim 11, the tape is removed and the moisturizing and astringing pack are left until the next day.

Thus, Gueret does not teach or suggest “sticking tape on a face portion while pulling, stretching and fixing the wrinkles of the skin; and removing the tape and washing away the moisturizing and astringing pack on the next day,” as recited in amended claim 11.

For at least these reasons, claim 11 patentably distinguishes over Gueret.

Rejections under 35 USC §103(a)

Claim 3 was rejected under 35 USC §103(a) as being obvious over Battey (U.S. Patent No. 2,001,862). Claim 5 was rejected under 35 USC §103(a) as being obvious over Lundy, Jr. et al. (U.S. Patent No. 6,098,616). Claim 7 is rejected under 35 USC §103(a) as being obvious over Oschner (U.S. Patent No. 4,674,133).

Claims 3, 5, and 7 have been cancelled making the rejections moot.

In view of the aforementioned amendments and accompanying remarks, Applicants submit that the claims, as herein amended, are in condition for allowance. Applicants request such action at an early date.

If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants’ undersigned attorney to arrange for an interview to expedite the disposition of this case.

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If this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

A handwritten signature in black ink, appearing to read "Sadao Kinashi", with a stylized flourish at the end.

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